

Application No. 10/828,973

Remarks

Applicants gratefully acknowledge the Examiner's indication of allowable subject matter. Reconsideration of the application as amended is respectfully requested.

No new matter is added as discussed below:

In amended claim 10, support for the added text that D4 possesses a negative Hammett constant is found for example on page 10, last paragraph.

In amended claim 10, support for the added text that C4 is one aromatic ring is found for example in original claim 18 where C4 is a single aromatic ring in 4-I and 4-II.

In amended claim 10, the subject matter of dependent claim 11 is incorporated into claim 10 with the exception that Cl, Br, and I are absent from the markush group recited for section (a) of the amended claim 10, i.e., three members of the markush group are deleted.

In amended claim 18, one member of the markush claim is deleted.

Applicants note that deleting one or more members of a markush group from presently amended claims 10 and 18 does not constitute new matter. Applicants direct the Examiner's attention to In re Driscoll, 195 USPQ 434 (CCPA 1977) which indicates that in the context of a markush group such deletion is consistent with the requirements of 35 USC 112, first paragraph.

The Examiner rejected claims 6 and 15 under 35 USC 112, first paragraph, for the reason cited in the Action. This rejection is moot since applicants are canceling these claims.

The Examiner made the following anticipation rejections:

Claims 1-8 and 9-17 under 35 USC 102(b) as being anticipated by Hanelt et al., US Patent 6,300,454;

Claims 1-6 and 9-15 under 35 USC 102(b) as being anticipated by Hall et al., US Patent 6,511,612;

Claims 1-8 and 9-17 under 35 USC 102(b) as being anticipated by Wu et al., US Patent 6,312,618; and

Claims 1-8 and 9-17 under 35 USC 102(b) as being anticipated by Parri et al., US Patent 5,720,900.

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On page 6, the Action states that the following "prior art made of record and not relied upon is considered pertinent to applicant's disclosure":

Andou;

Poetsch et al., US Patent 6,326,066;

Mehl et al., US Patent 6,051,639; and

Mehl et al., US Patent 6,277,451.

Regarding Andou, applicants note that the "Notice of References Cited" PTO-892 did not include Andou. In a telephone call between Examiner Sadula and the undersigned attorney on November 10, 2004, the Examiner stated that the mention of Andou was in error.

Applicants are amending the claims to expedite prosecution. The claims as presently amended are patentable over all the references of record, e.g., Hanelt, Hall, Wu, Parri, Poetsch, Mehl '639, and Mehl '451.

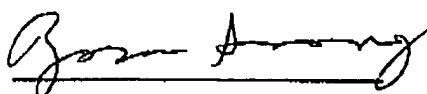
Applicants disagree with the Examiner's position that the dependent claims are unpatentable, but need not at this time specifically address the Examiner's comments regarding these dependent claims since independent claim 10 is patentable over the cited references and thus the dependent claims are also patentable over the references.

No additional fee is believed to be required; however, the undersigned Xerox Corporation attorney authorizes the charging of any necessary fees, other than the issue fee, to Xerox Corporation Deposit Account No. 24-0025.

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In view of the foregoing, the present application as amended is in condition for allowance. In the event the Examiner considers personal contact advantageous to the disposition of this case, he is hereby requested to call the undersigned attorney at (585) 423-4292, Rochester, NY.

Respectfully submitted,



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2-8-05

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